

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 13671 of 2004

Between:

Mallineni Vijaya @ Vijayalakshmi, W/o.Vekata Rao,
Aged 35 years, R/o.Ramachandrapuram,
Chimakurthy Mandal, Prakasam District.

..... PETITIONER

AND

- 1 The M.R.O.,Chimakurthy Mandal, Prakasam District.
- 2 The Joint Collector, Prakasam District, Ongole.
- 3 Smt.Paruchuri Yogamma, W/o.Narasimham,
R/o.Ramachandrapuram, Chimakurthy Mandal,
Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings in Rc. No.C/752/2002, dated 12-7-2004 as illegal, arbitrary, violative principles of natural justice and also the action of the 2nd respondent in not considering the stay petition, dated 17-7-2004 filed by the petitioner as illegal, arbitrary and consequentially to direct the respondents 1 and 2 to continue the petitioner a implementing (cooking agency) of M.P.P. Elementary school, Ramachandrapuram, Chimakurthy Mandal, Prakasam District and to pass.

Counsel for the Petitioner :MR.M.SUDHIR KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

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The petitioner claims to be the Chairperson of DWACRA (Development of Women and Children in Rural Areas), Ramachandrapuram was appointed on 2.1.2003 as implementing Agency for Mid-day Meal (Cooked) Programme being implemented by the Government of Andhra Pradesh. By impugned order dated 12.7.2004, the first respondent appointed the third respondent herein as Cooking Agency at M.P.P. Elementary School, Ramachandrapuram. Assailing the same, the petitioner filed an appeal before the Joint Collector, along with an application for stay of operation of the orders of the first respondent. As the Joint Collector did not pass any orders on the said application, the petitioner approached this Court challenging the order of the first respondent as well as the inaction of the Joint Collector in not passing any orders on the application.

It is axiomatic that when a person approaching this Court, has already availed alternative remedy by way of suit, appeal or revision, the writ petition cannot be entertained. Therefore directing the second respondent to pass appropriate orders on the stay application filed by the petitioner along with the appeal by the Joint Collector within one week from today.

The writ petition is accordingly disposed of.

Date : August 04, 2004. **V.V.S. RAO, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The M.R.O.,Chimakurthy Mandal, Prakasam Dist.
- 2 The Joint Collector, Prakasam Dist. Ongole.
- 3 Two CCs to the Government Pleader for Revenue,
High Court Buildings, Hyderabad (OUT)
- 4 Two CD copies.